

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 214  
HOUSE BILL 2157**

AN ACT

AMENDING SECTION 33-2401, ARIZONA REVISED STATUTES; RELATING TO ACCESS TO  
PRIVATE PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-2401, Arizona Revised Statutes, is amended to  
3 read:

4 33-2401. Access to private property

5 A. Notwithstanding any other law, reasonable access to private  
6 property shall not be denied by this state or any political subdivision of  
7 this state.

8 B. IF AN OWNER'S PRIVATE PROPERTY IS SURROUNDED BY LAND OWNED BY  
9 THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, THE OWNER OF THE  
10 PRIVATE PROPERTY MAY REQUEST A NONEXCLUSIVE RIGHT-OF-WAY FOR A TERM OF AT  
11 LEAST THIRTY YEARS FROM THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS  
12 STATE TO LEGALLY ACCESS THE OWNER'S PRIVATE PROPERTY AT THE OWNER'S  
13 DISCRETION.

14 C. THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL  
15 GRANT A NONEXCLUSIVE RIGHT-OF-WAY FOR A TERM OF AT LEAST THIRTY YEARS TO  
16 THE OWNER OF PRIVATE PROPERTY IF THE GRANT OF THE RIGHT-OF-WAY IS FOR THE  
17 PURPOSE OF PROVIDING LEGAL ACCESS TO THE OWNER'S PRIVATE PROPERTY TO WHICH  
18 ACCESS ACROSS LAND OWNED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF  
19 THIS STATE IS NECESSARY BECAUSE LAND OWNED BY THIS STATE OR ANY POLITICAL  
20 SUBDIVISION OF THIS STATE SURROUNDS THE PRIVATE PROPERTY.

21 D. FOLLOWING REASONABLE CONSULTATION WITH THE OWNER OF THE PRIVATE  
22 PROPERTY, THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL  
23 DETERMINE THE APPROPRIATE LOCATION AND WIDTH OF THE RIGHT-OF-WAY TO BE  
24 GRANTED AND MAY RELOCATE THE RIGHT-OF-WAY AFTER THE GRANT AT THE  
25 DISCRETION OF THIS STATE OR THE POLITICAL SUBDIVISION OF THIS STATE.

26 E. IF THE RIGHT-OF-WAY HAS BEEN IN USE BY THE PRIVATE PROPERTY  
27 OWNER AND NEW ROAD CONSTRUCTION IS NOT NECESSARY TO PROVIDE LEGAL ACCESS  
28 TO THE PRIVATE PROPERTY, THIS STATE IS NOT REQUIRED TO COMPLY WITH  
29 SECTIONS 41-861, 41-862 AND 41-864.

30 F. A RIGHT-OF-WAY GRANTED PURSUANT TO THIS SECTION SHALL BE GRANTED  
31 ACCORDING TO THE CONSTITUTION AND LAWS OF THIS STATE AND THE RULES ADOPTED  
32 BY A STATE AGENCY, AS APPLICABLE.

**APPROVED BY THE GOVERNOR APRIL 28, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2017.**

Passed the House February 21, 20 17

Passed the Senate March 20, 20 17

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

☐ Pro Tempore

[Signature]  
Chief Clerk of the House

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

~~This Bill received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

\_\_\_\_\_

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

~~This Bill received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

H.B. 2157

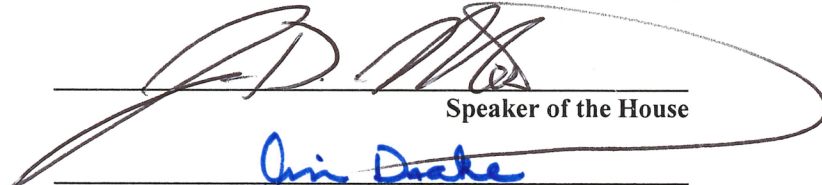
\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

\_\_\_\_\_April 24\_\_\_\_\_, 2017,

by the following vote: \_\_\_\_\_51\_\_\_\_\_ Ayes,

\_\_\_\_\_ 0 \_\_\_\_\_ Nays, \_\_\_\_\_ 8 \_\_\_\_\_ Not Voting 1 vacant

\_\_\_\_\_\_\_\_\_\_  
Speaker of the House  
\_\_\_\_\_Jim Drake\_\_\_\_\_  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ 24<sup>th</sup> \_\_\_\_\_ day of April \_\_\_\_\_, 2017,

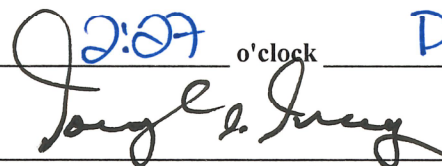
at \_\_\_\_\_ 2:03 \_\_\_\_\_ o'clock \_\_\_\_\_ P. \_\_\_\_\_ M.

\_\_\_\_\_\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ 28<sup>th</sup> \_\_\_\_\_ day of

\_\_\_\_\_ April \_\_\_\_\_, 2017,

at \_\_\_\_\_ 2:07 \_\_\_\_\_ o'clock \_\_\_\_\_ P. \_\_\_\_\_ M.

\_\_\_\_\_\_\_\_\_\_  
Governor of Arizona

H.B. 2157

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ 28 \_\_\_\_\_ day of April \_\_\_\_\_, 2017,

at \_\_\_\_\_ 4:43 \_\_\_\_\_ o'clock \_\_\_\_\_ P \_\_\_\_\_ M.

\_\_\_\_\_Michelle Reagan\_\_\_\_\_  
Secretary of State